

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ELMO AUGUSTUS REID,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 7:16cv00547
)	
MARK AMONETTE, et al.)	
)	
Defendants.)	

PETITION TO ENFORCE THE PARTIES' SETTLEMENT AGREEMENT

COMES NOW Plaintiff Elmo Reid, by counsel, and petitions this Court to enforce the parties' Settlement Agreement. The Settlement Agreement is attached hereto as Exhibit A. Pursuant to Paragraph 6 of the Settlement Agreement, Defendants were required to pay Plaintiff's attorneys by September 21, 2018. As of the date of this Petition, the Defendants have not paid the attorneys fees. Plaintiff petitions the Court to enforce the Settlement Agreement and to Order Defendants to make the attorneys' fees payments.¹

Counsel for Defendants have not stated why the attorneys' fees have not been paid. Plaintiff's counsel has provided all information and documents requested by Defendants to make the payment. See Exhibit B. Prior to the September 21, 2018 deadline, Plaintiff's counsel reminded Defendants of the deadline and asked if they needed further information. See Exhibit C. Defense counsel did not respond to this inquiry.²

¹ Plaintiff also paid a witness fee to Defendant Pamela Shipp. The case settled but Defendant Shipp cashed her witness fee check in the amount of \$93.30. Defense counsel stated Defendant Shipp would send a personal check for reimbursement. No check has been sent for reimbursement of this witness fee. Plaintiff petitions the Court to order this witness fee to be paid as well.

² On September 24, 2018, Diane Abato, a Senior Assistant Attorney General, communicated with the office of Plaintiff's counsel. Ms. Abato advised staff that the total amount of the

Plaintiff petitions this Court to order Defendants to make the attorneys' fees payments due under the Settlement Agreement.

Respectfully submitted,

ELMO AUGUSTUS REID

By: /s/ John P. Fishwick, Jr.
Of Counsel

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attorneys' fees under the agreement totaled \$167,500.00, but the payments to Fishwick & Associates for \$141,336.16 and to George Rutherglen for \$26,063.84 totaled \$167,400.00, thus a difference of \$100.00. Also on September 24, 2018, Plaintiff's counsel received an email from Defense counsel's office asking for Reid's original signature so that the matter could be "processed ASAP." See Exhibit D. Plaintiff's counsel overnighted Reid's original signature to defense counsel. Plaintiff's counsel also stated by letter on September 25, 2018 to opposing counsel and to Ms. Abato it would waive the \$100.00 difference. See Exhibit E. Neither Defense counsel nor Ms. Abato has responded to Plaintiff's September 25, 2018 letter. In fact, counsel for Plaintiff has heard nothing on this matter since September 24, 2018 from anyone on the defense side.

CERTIFICATE OF SERVICE

I, John P. Fishwick, Jr., do hereby certify that on October 1, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ John P. Fishwick, Jr.
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